

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO AGRA,

Plaintiff,

-against-

GUIDO DOLCI; NADIA SHAHRIK;
MASSIMO TACCHINI; GEMIDE SRL;
MAJOR MODEL MANAGEMENT INC.;
MAJOR MIAMI LLC; MENSBOARD
MANAGEMENT, INC.,

Defendants.

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No. 23 Civ. 10255 (AT)

ORDER OF SERVICE

ANALISA TORRES, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the court’s federal question and diversity jurisdiction. By order dated November 22, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service (“USMS”) to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court, therefore, extends the time to serve until 90 days after the date summonses are issued.

A. Service on Guido Dolci, Nadia Shahrik, Major Model Management Inc., Major Miami LLC, and Mensboard Management, Inc.

To allow Plaintiff to effect service on Defendants Guido Dolci, Nadia Shahrik, Massimo Tacchini, Gemide SRL, Major Model Management Inc., Major Miami LLC, and Mensboard Management, Inc. through the USMS, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of those defendants. The Clerk of Court is further instructed to issue summonses and deliver to the USMS all the paperwork necessary for the Marshals Service to effect service upon those defendants.

If the complaint is not served on those defendants within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

B. Service on Massimo Tacchini and Gemide SRL

The USMS cannot serve individuals or other entities in other countries. *See Cross v. State Farm Ins. Co.*, No. 3:10-CV-1179, 2011 WL 13234729, at *2 n.3 (N.D.N.Y. Nov. 7, 2011). To allow Plaintiff to serve Tacchini and Gemide SRL, who are located in Milan, Italy, the Clerk of the Court is instructed to send them each a copy of a summons and the complaint by registered mail. *See Fed. R. Civ. P. 4(f)(1), (h)(2)* (authorizing service on individuals or other entities in other countries pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (“Hague Convention”), Nov. 15, 1965, 20 U.S.T. 361); *Zanghi v. Ritella*, No. 19-CV-5830 (NRB), 2020 WL 589409, at *5 (S.D.N.Y. Feb. 5, 2020) (noting that both the United States and Italy are signatories to the Hague Convention).

CONCLUSION

The Court directs the Clerk of Court to: (1) mail an information package to Plaintiff; (2) issue summonses for Defendants Guido Dolci, Nadia Shahrik, Massimo Tacchini, Gemide SRL, Major Model Management Inc., Major Miami LLC, and Mensboard Management, Inc.; (3) complete the USM-285 forms with the service addresses for Dolci, Shahrik, Major Model Management, and Major Miami LLC; (4) deliver to the USMS all documents necessary to effect service of summonses and the complaint on Dolci, Shahrik, Major Model Management Inc., Major Miami LLC, and Mensboard Management, Inc.; and (5) send copies of a summons and the complaint to Defendants Tacchini and Gemide SRL, in Milan, Italy, by registered mail.

SO ORDERED.

Dated: December 5, 2023
New York, New York



ANALISA TORRES
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Guido Dolci
Major Model Management Inc.
344 West 38th Street #503
New York, New York 10018
2. Nadia Shahrik
Major Model Management Inc.
344 West 38th Street #503
New York, New York 10018
3. Major Model Management Inc.
344 West 38th Street #503
New York, New York 10018
4. Massimo Tacchini
Seprio 2, 20149
Milan, Italy
5. Gemide SRL
Seprio 2, 20149
Milan, Italy
6. Major Miami LLC
407 Lincoln Road
Miami, Florida 33109
7. Mensboard Management, Inc.
7000 Blvd. East #26A
Guttenberg, New Jersey 07093